



Appeal Decision

Site visit made on 10 March 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Appeal Ref: APP/J1915/D/20/3245007

6 Trimms Green, Sawbridgeworth CM21 0LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Leakey against the decision of East Herts Council.
 - The application Ref 3/19/1980/HH, dated 26 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is a first floor side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension at 6 Trimms Green, Sawbridgeworth CM21 0LX, in accordance with the terms of the application, Ref 3/19/1980/HH dated 26 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A00125-001 and A00125-002.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form, which differs from that on the Council's decision notice. In Part E of the appeal form it is stated that the description of development has not changed and neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in development plan policy and the National Planning Policy Framework (2019) ("the Framework"). I concur with that position.
4. In view of this, the main issues are:
 - The effect of the proposal on the openness of the Green Belt; and

- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the scheme.

Reasons

Effect of the proposal on openness

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 144 of the Framework sets out that substantial weight should be given to any harm to the Green Belt. The assessment of openness has both a spatial and a visual aspect.
6. The host dwelling currently has a single storey side extension. Whilst the proposed first floor extension above this would not increase the footprint of the building, its height and volume would be increased by a modest degree. Therefore the proposal would have a greater impact on the openness of the Green Belt in spatial terms than the existing development.
7. Whilst the appeal site is partially screened by trees and a garage which lies in front of it, glimpses over it and out to open sky are available from Parsonage Lane. The construction of a first floor extension would result in built development where there is presently none, and would add to the overall bulk of the property. Thus, it would inevitably lead to the loss of this openness.
8. However, the existing views of open sky are limited due to the modest footprint of the side extension and to the presence of mature trees in the adjacent garden. Whilst the development would be a permanent physical change, its scale would be modest. Therefore there would be only a modest loss of openness. The proposal would consequently result in limited harm to the openness of the Green Belt.
9. I therefore conclude that the scheme is inappropriate development in the Green Belt which fails to preserve its openness. Thus, the proposal conflicts with Policy GBR1 of the East Herts District Plan (2018), which states that proposals within the Green Belt will be considered in line with the provisions of the Framework. Further conflict exists with the provisions of the Framework with regard to Green Belts.

Other Considerations and the Green Belt Balance

10. I have found that the appeal proposal is inappropriate development in the Green Belt, which would result in limited harm to the openness of the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt, in accordance with paragraph 144 of the Framework. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
11. I note the evidence submitted by the appellants concerning the health needs of a family member. The proposal would evidently meet the identified needs in an appropriate manner. This is uncontested by the Council. Furthermore, I have had regard to the Planning Practice Guidance, which attaches substantial importance to the provision of appropriate housing for people with such needs.

The proposed extension has a logical position and a modest scale, which represents a reduction of the scale of a previously dismissed appeal¹ proposal with similar aims. It appears to be the minimum scale which is reasonably necessary to achieve the anticipated benefits. In view of these factors, I attach substantial weight to the proposal's ability to meet the health needs of a family member as a consideration.

12. Finally, as there is potential for my decision to affect a person with a protected characteristic, I must have due regard to the Public Sector Equality Duty contained in the Equality Act 2010. I consider that the proposal would result in a significant improvement in quality of life for the family member concerned. I therefore give considerable weight to the positive equality impacts of the proposal.
13. Accordingly, I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.

Conditions

14. I have imposed a condition specifying the relevant drawings as this provides certainty.
15. A condition in respect of materials is necessary in order to protect the character and appearance of the area.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

C Beeby

INSPECTOR

¹ APP/J1915/D/16/3142647